

# **EXHIBIT**

# **6**

**RE: Proposal# 16-0121 NASA**

[REDACTED]  
Tue 1/12/2016 4:39 PM

To: [REDACTED], Hu, Anming <ahu3@utk.edu>; Carter, Kenneth Lee <kcarter7@utk.edu>  
Hi Drew,

Thanks for the attachments. I am only going to use the 3 attachments that you sent. This includes the Assurance Document that addresses the NASA restrictions.

Yosi

**From:** [REDACTED] (mailto:[REDACTED])  
**Sent:** Tuesday, January 12, 2016 11:53 AM  
**To:** [REDACTED] (355N) <[REDACTED]>; Hu, Anming <ahu3@utk.edu>; Carter, Kenneth Lee <kcarter7@utk.edu>  
**Subject:** RE: Proposal# 16-0121 NASA

Good Afternoon [REDACTED]

On behalf of Dr. Anming Hu, please find attached the UTK-approved proposal documents consisting of the following:

- 1) Proposal Package – UTK Budget, Justification, & UTK-specific SOW
- 2) Institutional Commitment Letter (With Anming Hu named as Co-Investigator, per your request)
- 3) UTK China Assurance document – special clause included regarding the UTK understanding of the funding restriction

Lastly, I want to note that we have reviewed the Letter of Commitment provided from Professor Zhang of National Synchrotron Radiation Laboratory, and it **WILL NOT** be considered an officially-approved UTK document.

The language from the required assurance states:

(4) By submission of its proposal, the proposer represents that the proposer is not China or a Chinese-owned company, and that the proposer will not participate, collaborate, or coordinate bilaterally with China or any Chinese-owned company, at the prime recipient level or at any subrecipient level, whether the bilateral involvement is funded or performed under a no-exchange of funds arrangement.

Therefore, UTK cannot agree to the letter of commitment arrangement provided & still maintain our assurance. We request that the letter not be provided in the main application submission to NASA.

If you have any questions or comments, or I can provide anything further, please let me know.

I really appreciate it.

Thanks,

[REDACTED]  
Sponsored Programs Administrator  
Office of Research & Engagement  
University of Tennessee, Knoxville  
Tel: (865) 974-0035

\*\* Please be advised of OSP's five (5) business day deadline for proposal submissions. Proposals that do not meet this deadline may be submitted to the sponsor with limited to no review. In such cases, the PI will be responsible for actions taken by the sponsor for non-compliance. Also, there may be delays in accepting awards and establishing accounts resulting from these proposals. \*\*

**From:** [REDACTED] (355N) [mailto:[REDACTED]]  
**Sent:** Tuesday, January 12, 2016 12:55 PM  
**To:** [REDACTED] Anming; Carter, Kenneth Lee  
**Subject:** RE: Proposal# 16-0121 NASA

All,

In sending me the letter please note that Anming is a co-investigator. NASA does not allow co-PI in proposals.

Yosi

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Tuesday, January 12, 2016 7:02 AM  
**To:** Hu, Anming <ahu3@utk.edu>; Carter, Kenneth Lee <kcarter7@utk.edu>  
**Cc:** [REDACTED] (355N) [mailto:[REDACTED]]  
**Subject:** RE: Proposal# 16-0121 NASA

Anming,

Regarding the China Assurance, NASA requires you to include a signed document stating you assure you will comply with the Chinese Funding Restrictions.

However, UTK always includes a special copy stating that, as we understand it, this restriction does not apply to faculty, staff, and students.

Attached is the unsigned version of the document I refer to.

Thanks,

Drew

**From:** Hu, Anming  
**Sent:** Tuesday, January 12, 2016 9:56 AM  
**To:** [REDACTED] Kenneth Lee  
**Cc:** [REDACTED]  
**Subject:** Re: Proposal# 16-0121 NASA

Hi Drew,

Thanks. I am fine with the tuition declaration.

Ken: could you please insert one line into the Charter (1) to include Dr. Babu's time contribution as what we stated in the proposal? We can mention his effort is not funded by NASA.

For China Assurance: are you talking about Hefei National Radiation Facilities, right? I include one letter. Does it solve this concerning?

Thanks!

Anming

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**From:** [REDACTED]  
**Sent:** Tuesday, January 12, 2016 9:43 AM  
**To:** Hu, Anming; Carter, Kenneth Lee  
**Cc:** [REDACTED] (355N)  
**Subject:** RE: Proposal# 16-0121 NASA

Anming,

I was just writing you back on the other thread about the budget justification.

OSP typically strongly advises against including statements in the Budget Justification for costs we are not requesting. We always suggest to only include information about costs actually included in the budget.

However, I did see in the Guidebook for proposers that we *should* have included Dr. Babu in our table of Personnel & Work Effort.

Please see below from Section 2.3.10(a) of the Guidebook for Proposers:

"A required element of the Budget Narrative is a table of Personnel and Work Effort, summarizing the work effort required to perform the proposed investigation. For contracts this table appears here. For grants and cooperative agreements see 2.3.12. The table must have the names and/or titles of all personnel necessary to perform the proposed effort, regardless of whether those individuals require funding. For each individual, list the planned work commitment to be funded by NASA, per period in fractions of a work year. In addition, include planned work commitment not funded by NASA, if applicable. Where names are not known, include the position, such as postdoc or technician."

Therefore, I think we should indicate in this chart (1) the time Dr. Babu will serve on the project and (2) indicate it to be "Not funded by NASA" in some fashion.

Lastly, per Section 2.3.10 (c) (viii) of the Guidebook for Proposers, we need to include the following affirmations in the proposal regarding Student Aid costs (tuition):

(viii) Scholarships and student aid costs. If selected, proposers must comply with the policy of the Office of Management and Budget set out in 2 CFR § 200.466, Scholarships and student aid costs. To ensure compliance with this policy, proposers must affirm in their proposals the following:

- a. The individual is conducting activities necessary to the Federal award;
- b. Tuition remission and other support are provided in accordance with established policy of the IHE and consistently provided in a like manner to students in return for similar activities conducted under Federal awards as well as other activities; and
- c. During the academic period, the student is enrolled in an advanced degree program at a non-Federal entity or affiliated institution and the activities of the student in relation to the Federal award are related to the degree program;
- d. The tuition or other payments are reasonable compensation for the work performed and are conditioned explicitly upon the performance of necessary work; and
- e. It is the IHE's practice to similarly compensate students under Federal awards as well as other activities

I have included a paragraph in the budget justification under Tuition request that we have used in the past to satisfy this requirement. Please let me know if you agree with it.

After these two items have been addressed, I believe we will be ready to obtain the Letter of Commitment / UTK China Assurance document and have all of this submitted.

Please let me know how you would like to proceed with the Justification.

Thanks!

Drew

**From:** Hu, Anming  
**Sent:** Tuesday, January 12, 2016 9:27 AM  
**To:** [REDACTED] Carter, Kenneth Lee  
**Cc:** [REDACTED]  
**Subject:** Re: Proposal# 16-0121 NASA

Dea [REDACTED]

Yosi reminds me that we forgot to mention Dr. Babu's recoveries in the budget justification. I add one line in the budget justification. Is it OK? Please check.

Thanks!

Anming

## *Assurance*

Institution Name: The University of Tennessee

Proposal Title: Microgravity effects on molten metal flow of rapidly heated new generation nano-braz  
and traditional braze materials

Grant Number:

### **Assurance of Compliance – China Funding Restriction (DEVIATION FEB 2012)**

(iv) An Assurance of Compliance with The Department of Defense and Full-Year Appropriation Act, Public Law 112-10 Section 1340(a); The Consolidated and Further Continuing Appropriation Act of 2012, Public Law 112-55, Section 539; and future-year appropriations herein after referred to as "the Acts", whereas:

(1) NASA is restricted from using funds appropriated in the Acts to enter into or fund any grant or cooperative agreement of any kind to participate, collaborate, or coordinate bilaterally with China or any Chinese-owned company, at the prime recipient level and at all subrecipient levels, whether the bilateral involvement is funded or performed under a no-exchange of funds arrangement.

(2) Definition: "China or Chinese-owned Company" means the People's Republic of China, any company owned by the People's Republic of China, or any company incorporated under the laws of the People's Republic of China.

(3) The restrictions in the Acts do not apply to commercial items of supply needed to perform a grant or cooperative agreement.

(4) By submission of its proposal, the proposer represents that the proposer is not China or a Chinese-owned company, and that the proposer will not participate, collaborate, or coordinate bilaterally with China or any Chinese-owned company, at the prime recipient level or at any subrecipient level, whether the bilateral involvement is funded or performed under a no-exchange of funds arrangement.

Title of Authorizing Official: Assistant Director or Sponsored Programs

Printed Name: David Smelser

Signature:



Date:

Name of Proposing Institution: The University of Tennessee

Phone: 865-974-3466

Fax: 865-974-2805

E-mail: [osp@utk.edu](mailto:osp@utk.edu)

**"This letter of assurance is predicated on the understanding that the NASA Class Deviation [implementing NASA Restrictions on Funding Activities with the People's Republic of China] does not apply to the participation of students, faculty and staff from non-Chinese entities engaged in fundamental research with a meaning consistent with National Security Decision Directive 189. Such fundamental research does not raise national security or economic security concerns."**